

In the Court of Appeals of the State of Alaska

Nicholas Chamberlain,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. A-13499

Order

Stay Appellate Proceedings

Date of Order: 12/12/2019

Trial Court Case No. 3AN-19-04466CI, 3AN-09-14049CR

Nicholas D. Chamberlain, representing himself, appeals the dismissal of his second application for post-conviction relief. In his second application, he challenged the competency of the attorney who currently represents him in his first application for post-conviction relief, an application that has not yet been resolved. In other words, his first application for post-conviction relief is still pending in the superior court.

According to Mr. Chamberlain's pleadings, the superior court dismissed his second application because the first application is still pending. Although Mr. Chamberlain now appeals that decision, the appeal is premature. It is premature because Mr. Chamberlain may prevail in his first application, thereby making this appeal moot.

It is therefore ordered, *sua sponte*: Because this appeal is premature, it is **STAYED**, pending the final judgment in Mr. Chamberlain's first application for post-conviction relief. If Mr. Chamberlain prevails in his first application, this case will be closed. If Mr. Chamberlain does not prevail in his first application, this case will be remanded to the superior court for renewed consideration. Mr. Chamberlain's opening brief will be lodged until the stay is removed.

Entered at the direction of Chief Judge Allard.

Chamberlain v. State, No. A-13499
December 12, 2019 - p. 2

Clerk of the Appellate Courts

Joyce Marsh, Deputy Clerk

cc: Court of Appeals Judges
Judge Wolverton
Central Staff
Trial Court Appeals Clerk

Distribution:

Mail:
Chamberlain, Nicholas
Chleborad, Terisia K.